

Policy Guidance: — Parking as a Reasonable Accommodations for Employees With Disabilities

Background: This guidance relates to requests for parking as a reasonable accommodation as defined by the Americans with Disabilities Act and the DC Office of Disability Rights and procedures for DC Government agencies to follow for processing requests for parking as a reasonable accommodation by employees with disabilities.

1. Purpose

The purpose of this Guidance is how to reasonably accommodate DC Government employees requesting parking as a reasonable accommodation. This Guidance outlines a uniform approach to providing parking accommodation consistent with the Americans with Disabilities Act guidelines. It reviews:

- Obligations of the employee with a disability making the request,
- Responsibilities of DC Government staff for reviewing and granting the request,
- The Department of General Services staff who regulates DC Government parking garages and assign spaces to all employees including assigned disability space.

This Guidance should not be construed as creating any legal rights for DC Government employees with disabilities beyond the rights such persons may have under the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*). This policy is intended to provide guidance for the implementation of the Americans with Disabilities Act. Failure to adhere strictly to the steps outlined within this document shall not be construed as a violation of employee rights or administrative procedures.

2. Outline

Consistent with its obligations under the Americans with Disabilities Act ‘where feasible’ the DC Government will provide reasonable accommodations for qualified:

- Employees with disabilities who apply for parking as a reasonable accommodation;
- Employees with disabilities so that he/she will be able to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

It is the goal of DC Government to provide parking as a reasonable accommodation to qualified employees with disabilities that meet the employee's needs but does not place an undue hardship on DC Government parking programs.

3. Procedure for Employees with Disabilities

An employee with a disability who desires parking as an accommodation shall be responsible for:

- Requesting the accommodation; verbally or in writing. It is suggested that the employee make the request in writing – however, this is not a mandate.
- Participating in good faith with his/her agency ADA Coordinator in an interactive process to determine whether the accommodation is appropriate; and
- If requested, promptly providing a limited medical release and/or medical documentation from a physician or other licensed medical professional regarding the disability and need for accommodation.

4. Procedure for ADA Coordinator/Supervisor

The DC Government agency's ADA Coordinator or immediate supervisor of an employee who requests parking as an accommodation shall be responsible for:

- Participating in the interactive process when the employee requests parking as a reasonable accommodation;
- Reporting all requests for disability parking accommodation to the agency's ADA Coordinator;
- Consulting with the agency's ADA Coordinator and other appropriate staff in determining:
 1. Whether the employee is a qualified individual with a disability;
 2. Whether to grant, deny, or provide an alternative to the requested accommodation; and
 3. Whether, in the case of a denial, the requested accommodation poses an undue hardship.
 4. Documenting requests for accommodation and the action taken.

5. Even in the absence of receiving a written request, the ADA Coordinator or supervisor should acknowledge and begin to act on an oral request for reasonable accommodation within three (3) business days.

5. Requests for Medical Documentation to Substantiate a Claim of Disability or Need for Accommodation

DC Government has a right to inquire into an employee's medical condition in order to determine whether an accommodation for disability parking is appropriate. An ADA Coordinator may not request medical information where both the disability and need for parking as a reasonable accommodation are obvious or where the employee has already provided the agency with sufficient information to substantiate that she/he has a disability and need a parking accommodation.

If the ADA Coordinator determines that medical documentation is necessary, she/he shall instruct the employee to provide limited medical documentation of his/her disability and need for disability parking.

- The employee shall promptly provide documentation prepared by a licensed medical professional explaining:
 - ❖ the nature, extent, and duration of the disability;
- This information should generally be provided to the ADA Coordinator or employee supervisor.
- Costs related to providing medical documentation in support of the reasonable accommodation request are to be borne by the employee requesting the accommodation.

An employee's failure to comply with his/her responsibilities described in this policy may constitute a failure to participate in good faith in the interactive process and may be a legitimate ground for denying the reasonable accommodation request.

6. Officials with Responsibilities for Parking and Building Related Accommodations

The DC Government Department of General Services (DGS) Parking Manager shall be responsible for assigning disability parking to qualified employees with disabilities requesting parking as a reasonable accommodation. The request shall be made by the agency ADA Coordinator to the Parking Manager. Once the employee provides the Parking Manager all required documents, the Parking Manager must assign the disability parking within five (5) business days. The assigned disability parking space must be as close to the entrance/elevator as possible.

The qualified employee with a disability shall:

1. Complete DGS application for parking;
2. Submit a copy of his/her **state issued disability placard or disability tag number**.
3. Provide his/her employee number for payment purposes where required.

7. Responsibilities of Participants in the Reasonable Accommodation Process

The Director, DC Office of Disability Rights (ODR)

The Director, ODR shall be responsible for:

- Providing direction and guidance on the implementation of these procedures;
- Developing appropriate training programs to ensure that DC Government ADA Coordinators and agency directors are aware of, and/or have the skills and information necessary to comply with these procedures; and to assure that employees who need and qualify for accommodations are successfully accommodated;
- Reviewing all proposed decisions to deny disability accessible parking request to a qualified employee with a disability.